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February 3, 2020

**BY ECF AND EMAIL**

Hon. Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**SO ORDERED.**  
2/18/2020



LEWIS J. LIMAN  
United States District Judge

Re: Proposed Briefing Schedule for Summary Judgment and *Daubert* Motions,  
Necessitated by Unsuccessful Mediation, in

*EVIP Canada, Inc. and Terracap Ventures, Inc. v. Schnader Harrison  
Segal & Lewis LLP and Joel Handel, No. 18 Civ. 11456 (KPF) (SLC)*

Dear Judge Failla:

We represent Defendants in the above action and submit this letter on behalf of all parties. This letter is submitted pursuant to the orders of the Court issued during the pretrial conference on November 19, 2019 and by endorsement of the parties' letter motion on December 4, 2019. The Court directed the parties, within two weeks of the mediation of this case, to submit a joint letter disclosing whether the mediation was successful and, if necessary, proposing a briefing schedule for motions for summary judgment and for motions under Federal Rules of Evidence 702-705 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 570 (1993).

The parties mediated this case with a private mediator. Unfortunately, the mediation was unsuccessful. The parties therefore propose the following briefing schedule.

Motions for summary judgment and *Daubert*-type motions will be filed by **March 6, 2020**. Opposing papers will be filed by **April 17, 2020**, and reply papers by **May 8, 2020**.

Attached as Exhibit A is a copy of the transcript (mini-script version) of the pretrial conference of November 19, 2019.

We request that the Court endorse this letter into an Order.

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Respectfully submitted,



Howard I. Elman

cc (by email): Anthony Princi, Esq.  
Attorney for Plaintiffs